

REMARKS:

Applicant has carefully studied the non-final Examiner's Action and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings that correspond to the centered headings employed by the Office, to ensure full response on the merits to each finding of the Office.

Specification

The Office has objected to the disclosure due to informalities. Accordingly, the formula presented in paragraph [0056] has been amended to overcome the objection. The formula in paragraph [0056] now reads, $\text{Na}_2\text{O}_{2(s)} + 2\text{H}_2\text{O}_{(l)} + 2e \rightarrow 2\text{Na}_{(aq)}^{+1} + 4\text{OH}_{(aq)}^{-1}$, which is a correct representation of the balanced reaction as presented in paragraph [0053] and [0054].

Claim Rejections – 35 U.S.C. § 112

Claims 1, 3-9, 12-14, 16, 17, 39, 40 and 43 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office contends that the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 3-9, 12-14, 16, 17, 39, 40 and 43 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 1 has been amended to overcome the 35 U.S.C. 112 first paragraph and 35 U.S.C. 112 second paragraph rejections presented by the Office.

For the reasons indicated above, Applicant believes that amended independent claim 1 is in condition for allowance.

Claims 3-8, 12-14, 16, 17, 39, 40 and 43 are dependent upon claim 1, which has been shown to be allowable, and are therefore allowable as a matter of law.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested.

Very respectfully,



SIGNATURE OF PRACTITIONER

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CERTIFICATE OF ELECTRONIC TRANSMISSION

(37 C.F.R. 2.190 (b))

I HEREBY CERTIFY that this correspondence is being electronically transmitted to the Patent and Trademark Office through EFS Web on January 21, 2010.

Date: January 21, 2010

/jessica thompson/
Jessica Thompson